

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 471
91ST GENERAL ASSEMBLY

1287L.04T

2001

AN ACT

To repeal sections 195.010, 195.017, 195.070, 195.222, 195.223, 195.235, 195.246, 195.400 and 570.030, RSMo 2000, and to enact in lieu thereof fifteen new sections relating to drug trafficking, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 195.010, 195.017, 195.070, 195.222, 195.223, 195.235, 195.246, 195.400 and 570.030, RSMo 2000, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 195.010, 195.017, 195.070, 195.222, 195.223, 195.235, 195.246, 195.400, 195.417, 195.418, 441.236, 478.009, 537.297, 570.030 and 578.154, to read as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425, unless the context otherwise requires, mean:

(1) "Addict", a person who habitually uses one or more controlled substances to such an extent as to create a tolerance for such drugs, and who does not have a medical need for such drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control with reference to his addiction;

(2) "Administer", to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

(a) A practitioner (or, in his presence, by his authorized agent); or

(b) The patient or research subject at the direction and in the presence of the practitioner;

(3) "Agent", an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. The term does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman while acting in the usual and

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in sections 195.005 to 195.425;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is
20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any
29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
44 or any derivative of barbituric acid which has been designated by the United States Secretary of
45 Health and Human Services as habit forming under 21 U.S.C. 352(d);

46 (b) A drug containing any quantity of:

47 a. Amphetamine or any of its isomers;

48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

49 c. Any substance the United States Attorney General, after investigation, has found to

50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
51 nervous system;

52 (c) Lysergic acid diethylamide; or

53 (d) Any drug containing any quantity of a substance that the United States Attorney
54 General, after investigation, has found to have, and by regulation designated as having, a
55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
56 its hallucinogenic effect;

57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
60 delivery. "Dispenser" means a practitioner who dispenses;

61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
62 substance;

63 (13) "Distributor", a person who distributes;

64 (14) "Drug":

65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
67 supplement to any of them;

68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
69 prevention of disease in humans or animals;

70 (c) Substances, other than food, intended to affect the structure or any function of the
71 body of humans or animals; and

72 (d) Substances intended for use as a component of any article specified in this
73 subdivision. It does not include devices or their components, parts or accessories;

74 (15) "Drug-dependent person", a person who is using a controlled substance and who
75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
77 which include a strong compulsion to take the substance on a continuous basis in order to
78 experience its psychic effects or to avoid the discomfort caused by its absence;

79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
80 States Department of Justice, or its successor agency;

81 (17) "Drug paraphernalia", all equipment, products, **substances** and materials of any
82 kind which are used, intended for use, or designed for use, in planting, propagating, cultivating,
83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of sections

86 195.005 to 195.425. It includes, but is not limited to:

87 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
88 growing or harvesting of any species of plant which is a controlled substance or from which a
89 controlled substance can be derived;

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
91 converting, producing, processing, or preparing controlled substances or imitation controlled
92 substances;

93 (c) Isomerization devices used, intended for use, or designed for use in increasing the
94 potency of any species of plant which is a controlled substance or an imitation controlled
95 substance;

96 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
97 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
98 substances;

99 (e) Scales and balances used, intended for use, or designed for use in weighing or
100 measuring controlled substances or imitation controlled substances;

101 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
102 and lactose, used, intended for use, or designed for use in cutting controlled substances or
103 imitation controlled substances;

104 (g) Separation gins and sifters used, intended for use, or designed for use in removing
105 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

106 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
107 designed for use in compounding controlled substances or imitation controlled substances;

108 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
109 for use in packaging small quantities of controlled substances or imitation controlled substances;

110 (j) Containers and other objects used, intended for use, or designed for use in storing or
111 concealing controlled substances or imitation controlled substances;

112 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
113 for use in parenterally injecting controlled substances or imitation controlled substances into the
114 human body;

115 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
116 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

117 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
118 permanent screens, hashish heads, or punctured metal bowls;

119 b. Water pipes;

120 c. Carburetion tubes and devices;

121 d. Smoking and carburetion masks;

- 122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
- 123 cigarette, that has become too small or too short to be held in the hand;
- 124 f. Miniature cocaine spoons and cocaine vials;
- 125 g. Chamber pipes;
- 126 h. Carburetor pipes;
- 127 i. Electric pipes;
- 128 j. Air-driven pipes;
- 129 k. Chillums;
- 130 l. Bongs;
- 131 m. Ice pipes or chillers;

132 **(m) Substances used, intended for use, or designed for use in the manufacture of**
133 **a controlled substance;**

134
135 In determining whether an object, **product, substance or material** is drug paraphernalia, a court
136 or other authority should consider, in addition to all other logically relevant factors, the
137 following:

- 138 (a) Statements by an owner or by anyone in control of the object concerning its use;
- 139 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
- 140 state or federal law relating to any controlled substance or imitation controlled substance;
- 141 (c) The proximity of the object, in time and space, to a direct violation of sections
- 142 195.005 to 195.425;
- 143 (d) The proximity of the object to controlled substances or imitation controlled
- 144 substances;
- 145 (e) The existence of any residue of controlled substances or imitation controlled
- 146 substances on the object;
- 147 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
- 148 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
- 149 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
- 150 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
- 151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 152 (g) Instructions, oral or written, provided with the object concerning its use;
- 153 (h) Descriptive materials accompanying the object which explain or depict its use;
- 154 (i) National or local advertising concerning its use;
- 155 (j) The manner in which the object is displayed for sale;
- 156 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
- 157 or related items to the community, such as a licensed distributor or dealer of tobacco products;

- 158 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
159 of the business enterprise;
- 160 (m) The existence and scope of legitimate uses for the object in the community;
- 161 (n) Expert testimony concerning its use;
- 162 **(o) The quantity, form or packaging of the product, substance or material in**
163 **relation to the quantity, form or packaging associated with any legitimate use for the**
164 **product, substance or material;**
- 165 (18) "Federal narcotic laws", the laws of the United States relating to controlled
166 substances;
- 167 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
168 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
169 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
170 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
171 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
172 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
173 in chapter 198, RSMo;
- 174 (20) "Immediate precursor", a substance which:
- 175 (a) The state department of health has found to be and by rule designates as being the
176 principal compound commonly used or produced primarily for use in the manufacture of a
177 controlled substance;
- 178 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
179 of a controlled substance; and
- 180 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
181 controlled substance;
- 182 (21) "Imitation controlled substance", a substance that is not a controlled substance,
183 which by dosage unit appearance (including color, shape, size and markings), or by
184 representations made, would lead a reasonable person to believe that the substance is a controlled
185 substance. In determining whether the substance is an "imitation controlled substance" the court
186 or authority concerned should consider, in addition to all other logically relevant factors, the
187 following:
- 188 (a) Whether the substance was approved by the federal Food and Drug Administration
189 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
190 Drug Administration approved package, with the federal Food and Drug Administration
191 approved labeling information;
- 192 (b) Statements made by an owner or by anyone else in control of the substance
193 concerning the nature of the substance, or its use or effect;

194 (c) Whether the substance is packaged in a manner normally used for illicit controlled
195 substances;

196 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
197 or federal law related to controlled substances or fraud;

198 (e) The proximity of the substances to controlled substances;

199 (f) Whether the consideration tendered in exchange for the noncontrolled substance
200 substantially exceeds the reasonable value of the substance considering the actual chemical
201 composition of the substance and, where applicable, the price at which over-the-counter
202 substances of like chemical composition sell. An imitation controlled substance does not include
203 a placebo or registered investigational drug either of which was manufactured, distributed,
204 possessed or delivered in the ordinary course of professional practice or research;

205 (22) "Laboratory", a laboratory approved by the department of health as proper to be
206 entrusted with the custody of controlled substances but does not include a pharmacist who
207 compounds controlled substances to be sold or dispensed on prescriptions;

208 (23) "Manufacture", the production, preparation, propagation, compounding or
209 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
210 substance, either directly or by extraction from substances of natural origin, or independently by
211 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
212 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
213 This term does not include the preparation or compounding of a controlled substance or an
214 imitation controlled substance or the preparation, compounding, packaging or labeling of a
215 narcotic or dangerous drug:

216 (a) By a practitioner as an incident to his administering or dispensing of a controlled
217 substance or an imitation controlled substance in the course of his professional practice, or

218 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,
219 or as an incident to, research, teaching or chemical analysis and not for sale;

220 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
221 including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*,
222 *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin
223 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
224 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
225 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
226 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin
227 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
228 germination;

229 (25) **"Methamphetamine precursor drug", any drug containing ephedrine,**

230 **pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of**
231 **optical isomers;**

232 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
233 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
234 or by a combination of extraction and chemical analysis:

235 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
236 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
237 esters, ethers, and salts is possible within the specific chemical designation. The term does not
238 include the isoquinoline alkaloids of opium;

239 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
240 and derivatives of ecgonine or their salts have been removed;

241 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

242 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

243 (e) Any compound, mixture, or preparation containing any quantity of any substance
244 referred to in paragraphs (a) to (d) of this subdivision;

245 [(26)] (27) "Official written order", an order written on a form provided for that purpose
246 by the United States Commissioner of Narcotics, under any laws of the United States making
247 provision therefor, if such order forms are authorized and required by federal law, and if no such
248 order form is provided, then on an official form provided for that purpose by the department of
249 health;

250 [(27)] (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
251 liability similar to morphine or being capable of conversion into a drug having addiction-forming
252 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
253 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
254 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

255 [(28)] (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its
256 seeds;

257 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo,
258 of a drug other than a controlled substance;

259 [(29)] (31) "Person", an individual, corporation, government or governmental
260 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
261 other legal or commercial entity;

262 [(30)] (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and
263 where the context so requires, the owner of a store or other place of business where controlled
264 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
265 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor

266 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
267 pharmacy laws of this state;

268 [(31)] **(33)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

269 [(32)] **(34)** "Possessed" or "possessing a controlled substance", a person, with the
270 knowledge of the presence and nature of a substance, has actual or constructive possession of
271 the substance. A person has actual possession if he has the substance on his person or within
272 easy reach and convenient control. A person who, although not in actual possession, has the
273 power and the intention at a given time to exercise dominion or control over the substance either
274 directly or through another person or persons is in constructive possession of it. Possession may
275 also be sole or joint. If one person alone has possession of a substance possession is sole. If two
276 or more persons share possession of a substance, possession is joint;

277 [(33)] **(35)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
278 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
279 permitted by this state to distribute, dispense, conduct research with respect to or administer or
280 to use in teaching or chemical analysis, a controlled substance in the course of professional
281 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
282 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
283 controlled substance in the course of professional practice or research;

284 [(34)] **(36)** "Production", includes the manufacture, planting, cultivation, growing, or
285 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
286 substance;

287 [(35)] **(37)** "Registry number", the number assigned to each person registered under the
288 federal controlled substances laws;

289 [(36)] **(38)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such
290 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

291 [(37)] **(39)** "State" when applied to a part of the United States, includes any state, district,
292 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
293 of the United States of America;

294 [(38)] **(40)** "Ultimate user", a person who lawfully possesses a controlled substance or
295 an imitation controlled substance for his own use or for the use of a member of his household
296 or for administering to an animal owned by him or by a member of his household;

297 [(39)] **(41)** "Wholesaler", a person who supplies drug paraphernalia or controlled
298 substances or imitation controlled substances that he himself has not produced or prepared, on
299 official written orders, but not on prescriptions.

195.017. 1. The department of health shall place a substance in Schedule I if it finds that
2 the substance:

- 3 (1) Has high potential for abuse; and
4 (2) Has no accepted medical use in treatment in the United States or lacks accepted
5 safety for use in treatment under medical supervision.
- 6 2. Schedule I:
- 7 (1) The controlled substances listed in this subsection are included in Schedule I;
8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these
10 isomers, esters, ethers and salts is possible within the specific chemical designation:
- 11 (a) Acetyl-alpha-methylfentanyl;
 - 12 (b) Acetylmethadol;
 - 13 (c) Allylprodine;
 - 14 (d) Alphacetylmethadol;
 - 15 (e) Alphameprodine;
 - 16 (f) Alphamethadol;
 - 17 (g) Alpha-methylfentanyl;
 - 18 (h) Alpha-methylthiofentanyl;
 - 19 (i) Benzethidine;
 - 20 (j) Betacetylmethadol;
 - 21 (k) Beta-hydroxyfentanyl;
 - 22 (l) Beta-hydroxy-3-methylfentanyl;
 - 23 (m) Betameprodine;
 - 24 (n) Betamethadol;
 - 25 (o) Betaprodine;
 - 26 (p) Clonitazene;
 - 27 (q) Dextromoramide;
 - 28 (r) Diampromide;
 - 29 (s) Diethylthiambutene;
 - 30 (t) Difenoxin;
 - 31 (u) Dimenoxadol;
 - 32 (v) Dimepheptanol;
 - 33 (w) Dimethylthiambutene;
 - 34 (x) Dioxaphetyl butyrate;
 - 35 (y) Dipipanone;
 - 36 (z) Ethylmethylthiambutene;
 - 37 (aa) Etonitazene;
 - 38 (bb) Etoxeridine;

- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacymorphan;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;

- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;
- 77 (i) Drotebanol;
- 78 (j) Etorphine; (except Hydrochloride Salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Myrophine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;

92 (4) Any material, compound, mixture or preparation which contains any quantity of the
93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
95 the specific chemical designation:

- 96 (a) 4-bromo-2,5-dimethoxyamphetamine;
- 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 98 (c) 2,5-dimethoxyamphetamine;
- 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 100 (e) 4-methoxyamphetamine;
- 101 (f) 5-methoxy-3,4-methylenedioxyamphetamine;
- 102 (g) 4-methyl-2,5-dimethoxy amphetamine;
- 103 (h) 3,4-methylenedioxyamphetamine;
- 104 (i) 3,4-methylenedioxymethamphetamine;
- 105 (j) 3,4-methylenedioxy-N-ethylamphetamine;
- 106 (k) N-nhydroxy-3, 4-methylenedioxyamphetamine;
- 107 (l) 3,4,5-trimethoxyamphetamine;
- 108 (m) Alpha-ethyltryptamine;
- 109 (n) Bufotenine;
- 110 (o) Diethyltryptamine;

- 111 (p) Dimethyltryptamine;
112 (q) Ibogaine;
113 (r) Lysergic acid diethylamide;
114 (s) Marijuana; (Marihuana);
115 (t) Mescaline;
116 (u) Parahexyl;
117 (v) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*
118 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such
119 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,
120 its seed or extracts;
121 (w) N-ethyl-3-piperidyl benzilate;
122 (x) N-methyl-3-piperidyl benzilate;
123 (y) Psilocybin;
124 (z) Psilocyn;
125 (aa) Tetrahydrocannabinols;
126 (bb) Ethylamine analog of phencyclidine;
127 (cc) Pyrrolidine analog of phencyclidine;
128 (dd) Thiophene analog of phencyclidine;
129 (ee) 1-(1-(2-thienyl)cyclohexyl) pyrrolidine;
130 (5) Any material, compound, mixture or preparation containing any quantity of the
131 following substances having a depressant effect on the central nervous system, including their
132 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of
133 isomers is possible within the specific chemical designation:
134 (a) **Gamma hydroxybutyric acid;**
135 (b) Mecloqualone;
136 [(b)] (c) Methaqualone;
137 (6) Any material, compound, mixture or preparation containing any quantity of the
138 following substances having a stimulant effect on the central nervous system, including their
139 salts, isomers and salts of isomers:
140 (a) Aminorex;
141 (b) Cathinone;
142 (c) Fenethylline;
143 (d) Methcathinone;
144 (e) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro- 4-methyl-5-phenyl-2-oxazoline);
145 (f) N-ethylamphetamine;
146 (g) N,N-dimethylamphetamine;

147 (7) A temporary listing of substances subject to emergency scheduling under federal law
148 shall include any material, compound, mixture or preparation which contains any quantity of the
149 following substances:

150 (a) N-(1-benzyl-4-piperidyl)-N-phenyl-propanamide (benzylfentanyl), its optical isomers,
151 salts and salts of isomers;

152 (b) N-(1-(2-thienyl) methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its
153 optical isomers, salts and salts of isomers.

154 3. The department of health shall place a substance in Schedule II if it finds that:

155 (1) The substance has high potential for abuse;

156 (2) The substance has currently accepted medical use in treatment in the United States,
157 or currently accepted medical use with severe restrictions; and

158 (3) The abuse of the substance may lead to severe psychic or physical dependence.

159 4. The controlled substances listed in this subsection are included in Schedule II:

160 (1) Any of the following substances whether produced directly or indirectly by extraction
161 from substances of vegetable origin, or independently by means of chemical synthesis, or by
162 combination of extraction and chemical synthesis:

163 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or
164 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,
165 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:

166 a. Raw opium;

167 b. Opium extracts;

168 c. Opium fluid;

169 d. Powdered opium;

170 e. Granulated opium;

171 f. Tincture of opium;

172 g. Codeine;

173 h. Ethylmorphine;

174 i. Etorphine hydrochloride;

175 j. Hydrocodone;

176 k. Hydromorphone;

177 l. Metopon;

178 m. Morphine;

179 n. Oxycodone;

180 o. Oxymorphone;

181 p. Thebaine;

182 (b) Any salt, compound, derivative, or preparation thereof which is chemically

- 183 equivalent or identical with any of the substances referred to in this subdivision, but not
184 including the isoquinoline alkaloids of opium;
- 185 (c) Opium poppy and poppy straw;
- 186 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and
187 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical
188 with any of these substances, but not including decocainized coca leaves or extractions which
189 do not contain cocaine or ecgonine;
- 190 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid
191 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 192 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts
193 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within
194 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 195 (a) Alfentanil;
- 196 (b) Alphaprodine;
- 197 (c) Anileridine;
- 198 (d) Bezitramide;
- 199 (e) Bulk Dextropropoxyphene;
- 200 (f) Carfentanil;
- 201 (g) Butyl nitrite;
- 202 (h) Dihydrocodeine;
- 203 (i) Diphenoxylate;
- 204 (j) Fentanyl;
- 205 (k) Isomethadone;
- 206 (l) Levo-alphacetylmethadol;
- 207 (m) Levomethorphan;
- 208 (n) Levorphanol;
- 209 (o) Metazocine;
- 210 (p) Methadone;
- 211 (q) Meperidine;
- 212 (r) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 213 (s) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic
214 acid;
- 215 (t) Pethidine;
- 216 (u) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 217 (v) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 218 (w) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

- 219 (x) Phenazocine;
220 (y) Piminodine;
221 (z) Racemethorphan;
222 (aa) Racemorphan;
223 (bb) Sulfentanil;
224 (3) Any material, compound, mixture, or preparation which contains any quantity of the
225 following substances having a stimulant effect on the central nervous system:
226 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
227 (b) Methamphetamine, its salts, isomers, and salts of its isomers;
228 (c) Phenmetrazine and its salts;
229 (d) Methylphenidate;
230 (4) Any material, compound, mixture, or preparation which contains any quantity of the
231 following substances having a depressant effect on the central nervous system, including its salts,
232 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers
233 is possible within the specific chemical designation:
234 (a) Amobarbital;
235 (b) Glutethimide;
236 (c) Pentobarbital;
237 (d) Phencyclidine;
238 (e) Secobarbital;
239 (5) Any material, compound or compound which contains any quantity of the following
240 substances:
241 (a) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a
242 United States Food and Drug Administration approved drug product;
243 (b) Nabilone;
244 (6) Any material, compound, mixture, or preparation which contains any quantity of the
245 following substances:
246 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;
247 (b) Immediate precursors to phencyclidine (PCP):
248 a. 1-phenylcyclohexylamine;
249 b. 1-piperidinocyclohexanecarbonitrile (PCC).
250 5. The department of health shall place a substance in Schedule III if it finds that:
251 (1) The substance has a potential for abuse less than the substances listed in Schedules
252 I and II;
253 (2) The substance has currently accepted medical use in treatment in the United States;
254 and

255 (3) Abuse of the substance may lead to moderate or low physical dependence or high
256 psychological dependence.

257 6. The controlled substances listed in this subsection are included in Schedule III:

258 (1) Any material, compound, mixture, or preparation which contains any quantity of the
259 following substances having a potential for abuse associated with a stimulant effect on the
260 central nervous system:

261 (a) Benzphetamine;

262 (b) Chlorphentermine;

263 (c) Clortermine;

264 (d) Phendimetrazine;

265 (2) Any material, compound, mixture or preparation which contains any quantity or salt
266 of the following substances or salts having a depressant effect on the central nervous system:

267 (a) Any material, compound, mixture or preparation which contains any quantity or salt
268 of the following substances combined with one or more active medicinal ingredients:

269 a. Amobarbital;

270 b. **Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained**
271 **in a drug product for which an application has been approved under Section 505 of the**
272 **Federal Food, Drug, and Cosmetic Act;**

273 c. Secobarbital;

274 [c.] d. Pentobarbital;

275 (b) Any suppository dosage form containing any quantity or salt of the following:

276 a. Amobarbital;

277 b. Secobarbital;

278 c. Pentobarbital;

279 (c) Any substance which contains any quantity of a derivative of barbituric acid or its
280 salt;

281 (d) Chlorhexadol;

282 (e) **Ketamine, its salts, isomers, and salts of isomers;**

283 (f) Lysergic acid;

284 [(f)] (g) Lysergic acid amide;

285 [(g)] (h) Methyprylon;

286 [(h)] (i) Sulfondiethylmethane;

287 [(i)] (j) Sulfonethylmethane;

288 [(j)] (k) Sulfonmethane;

289 [(k)] (l) Tiletamine and zolazepam or any salt thereof;

290 (3) Nalorphine;

291 (4) Any material, compound, mixture, or preparation containing limited quantities of any
292 of the following narcotic drugs or their salts:

293 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
294 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid
295 of opium;

296 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than
297 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized
298 therapeutic amounts;

299 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
300 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an
301 isoquinoline alkaloid of opium;

302 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters
303 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic
304 ingredients in recognized therapeutic amounts;

305 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or more than
306 ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized
307 therapeutic amounts;

308 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters
309 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic
310 ingredients in recognized therapeutic amounts;

311 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per
312 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more
313 active nonnarcotic ingredients in recognized therapeutic amounts;

314 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one
315 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic
316 amounts;

317 (5) Anabolic steroids. Unless specially excepted or unless listed in another schedule, any
318 material, compound, mixture or preparation containing any quantity of the following substances,
319 including its salts, isomers and salts of isomers whenever the existence of such salts of isomers
320 is possible within the specific chemical designation:

321 (a) Boldenone;

322 (b) Chlorotestosterone (4-Chlortestosterone);

323 (c) Clostebol;

324 (d) Dehydrochlormethyltestosterone;

325 (e) Dihydrotestosterone (4-Dihydro-testosterone);

326 (f) Drostanolone;

- 327 (g) Ethylestrenol;
328 (h) Fluoxymesterone;
329 (i) Formebolone (Formebolone);
330 (j) Mesterolone;
331 (k) Methandienone;
332 (l) Methandranone;
333 (m) Methandriol;
334 (n) Methandrostenolone;
335 (o) Methenolone;
336 (p) Methyltestosterone;
337 (q) Mibolerone;
338 (r) Nandrolone;
339 (s) Norethandrolone;
340 (t) Oxandrolone;
341 (u) Oxymesterone;
342 (v) Oxymetholone;
343 (w) Stanolone;
344 (x) Stanozolol;
345 (y) Testolactone;
346 (z) Testosterone;
347 (aa) Trenbolone;
348 (bb) Any salt, ester, or isomer of a drug or substance described or listed in this
349 subdivision, if that salt, ester or isomer promotes muscle growth except an anabolic steroid
350 which is expressly intended for administration through implants to cattle or other nonhuman
351 species and which has been approved by the secretary of health and human services for that
352 administration.
- 353 (6) The department of health may except by rule any compound, mixture, or preparation
354 containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this
355 subsection from the application of all or any part of sections 195.010 to 195.320 if the
356 compound, mixture, or preparation contains one or more active medicinal ingredients not having
357 a stimulant or depressant effect on the central nervous system, and if the admixtures are included
358 therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse
359 of the substances which have a stimulant or depressant effect on the central nervous system.
- 360 7. The department of health shall place a substance in Schedule IV if it finds that:
361 (1) The substance has a low potential for abuse relative to substances in Schedule III;
362 (2) The substance has currently accepted medical use in treatment in the United States;

363 and

364 (3) Abuse of the substance may lead to limited physical dependence or psychological
365 dependence relative to the substances in Schedule III.

366 8. The controlled substances listed in this subsection are included in Schedule IV:

367 (1) Any material, compound, mixture, or preparation containing any of the following
368 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities
369 as set forth below:

370 (a) Not more than one milligram of difenoxin and not less than twenty-five micrograms
371 of atropine sulfate per dosage unit;

372 (b) Dextropropoxyphene (alpha-(+)-4-dimethy-lamino-1, 2-diphenyl-3-methyl-2-
373 propionoxybutane);

374 (c) Any of the following limited quantities of narcotic drugs or their salts, which shall
375 include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer
376 upon the compound, mixture or preparation valuable medicinal qualities other than those
377 possessed by the narcotic drug alone:

378 a. Not more than two hundred milligrams of codeine per one hundred milliliters or per
379 one hundred grams;

380 b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters
381 or per one hundred grams;

382 c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters
383 or per one hundred grams;

384 (2) Any material, compound, mixture or preparation containing any quantity of the
385 following substances, including their salts, isomers, and salts of isomers whenever the existence
386 of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

387 (a) Alprazolam;

388 (b) Barbitol;

389 (c) Bromazepam;

390 (d) Camazepam;

391 (e) Chloral betaine;

392 (f) Chloral hydrate;

393 (g) Chlordiazepoxide;

394 (h) Clobazam;

395 (i) Clonazepam;

396 (j) Clorazepate;

397 (k) Clotiazepam;

398 (l) Cloxazolam;

399	(m) Delorazepam;
400	(n) Diazepam;
401	(o) Estazolam;
402	(p) Ethchlorvynol;
403	(q) Ethinamate;
404	(r) Ethyl loflazepate;
405	(s) Fludiazepam;
406	(t) Flunitrazepam;
407	(u) Flurazepam;
408	(v) Halazepam;
409	(w) Haloxazolam;
410	(x) [Ketamine;
411	(y)] Ketazolam;
412	[(z)] (y) Loprazolam;
413	[(aa)] (z) Lorazepam;
414	[(bb)] (aa) Lormetazepam;
415	[(cc)] (bb) Mebutamate;
416	[(dd)] (cc) Medazepam;
417	[(ee)] (dd) Meprobamate;
418	[(ff)] (ee) Methohexital;
419	[(gg)] (ff) Methylphenobarbital;
420	[(hh)] (gg) Midazolam;
421	[(ii)] (hh) Nimetazepam;
422	[(jj)] (ii) Nitrazepam;
423	[(kk)] (jj) Nordiazepam;
424	[(ll)] (kk) Oxazepam;
425	[(mm)] (ll) Oxazolam;
426	[(nn)] (mm) Paraldehyde;
427	[(oo)] (nn) Petrichloral;
428	[(pp)] (oo) Phenobarbital;
429	[(qq)] (pp) Pinazepam;
430	[(rr)] (qq) Prazepam;
431	[(ss)] (rr) Quazepam;
432	[(tt)] (ss) Temazepam;
433	[(uu)] (tt) Tetrazepam;
434	[(vv)] (uu) Triazolam;

435 [(ww)] (vv) Zolpidem;

436 (3) Any material, compound, mixture, or preparation which contains any quantity of the
437 following substance including its salts, isomers and salts of isomers whenever the existence of
438 such salts, isomers and salts of isomers is possible: fenfluramine;

439 (4) Any material, compound, mixture or preparation containing any quantity of the
440 following substances having a stimulant effect on the central nervous system, including their
441 salts, isomers and salts of isomers:

442 (a) Cathine ((+)-norpseudoephedrine);

443 (b) Diethylpropion;

444 (c) Fencamfamin;

445 (d) Fenproporex;

446 (e) Mazindol;

447 (f) Mefenorex;

448 (g) Pemoline, including organometallic complexes and chelates thereof;

449 (h) Phentermine;

450 (i) Pipradrol;

451 (j) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

452 (5) Any material, compound, mixture or preparation containing any quantity of the
453 following substance, including its salts: pentazocine;

454 (6) Any material, compound, mixture or preparation which contains any quantity of the
455 following substances having a stimulant effect on the central nervous system including their
456 salts, isomers and salts of isomers: ephedrine or its salts, optical isomers, or salts of optical
457 isomers as the only active medicinal ingredient or contains ephedrine or its salts, optical isomers,
458 or salts of optical isomers and therapeutically insignificant quantities of another active medicinal
459 ingredient;

460 (7) The department of health may except by rule any compound, mixture, or preparation
461 containing any depressant substance listed in subdivision (1) of this subsection from the
462 application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or
463 preparation contains one or more active medicinal ingredients not having a depressant effect on
464 the central nervous system, and if the admixtures are included therein in combinations, quantity,
465 proportion, or concentration that vitiate the potential for abuse of the substances which have a
466 depressant effect on the central nervous system.

467 9. The department of health shall place a substance in Schedule V if it finds that:

468 (1) The substance has low potential for abuse relative to the controlled substances listed
469 in Schedule IV;

470 (2) The substance has currently accepted medical use in treatment in the United States;

471 and

472 (3) The substance has limited physical dependence or psychological dependence liability
473 relative to the controlled substances listed in Schedule IV.

474 10. The controlled substances listed in this subsection are included in Schedule V:

475 (1) Any material, compound, mixture or preparation containing any of the following
476 narcotic drug and its salts: buprenorphine;

477 (2) Any compound, mixture or preparation containing any of the following narcotic
478 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set
479 forth below, which also contains one or more nonnarcotic active medicinal ingredients in
480 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal
481 qualities other than those possessed by the narcotic drug alone:

482 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than
483 twenty-five micrograms of atropine sulfate per dosage unit;

484 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per
485 one hundred grams;

486 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five
487 micrograms of atropine sulfate per dosage unit;

488 (3) Any material, compound, mixture or preparation which contains any quantity of the
489 following substance having a stimulant effect on the central nervous system including its salts,
490 isomers and salts of isomers: pyrovalerone.

491 11. The department of health shall revise and republish the schedules annually.

195.070. 1. A physician, podiatrist, dentist, or a registered optometrist certified to
2 administer pharmaceutical agents as provided in section 336.220, RSMo, in good faith and in
3 the course of his **or her** professional practice only, may prescribe, administer, and dispense
4 controlled substances or he **or she** may cause the same to be administered or dispensed by [a
5 nurse or graduate physician under his direction and supervision] **an individual as authorized**
6 **by statute.**

7 2. A veterinarian, in good faith and in the course of his professional practice only, and
8 not for use by a human being, may prescribe, administer, and dispense controlled substances and
9 he may cause them to be administered by an assistant or orderly under his direction and
10 supervision.

11 3. A practitioner shall not accept any portion of a controlled substance unused by a
12 patient, for any reason, if such practitioner did not originally dispense the drug.

13 4. An individual practitioner may not prescribe or dispense a controlled substance for
14 such practitioner's personal use except in a medical emergency.

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except

2 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
9 authorized term of imprisonment for a class A felony which term shall be served without
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or
29 substance described in subsection 2 of this section which contains cocaine base. Violations of
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is six grams or more the person shall be sentenced to the
34 authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or

38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the
44 authorized term of imprisonment for a class A felony which term shall be served without
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
54 authorized term of imprisonment for a class A felony which term shall be served without
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
63 authorized term of imprisonment for a class A felony which term shall be served without
64 probation or parole.

65 7. A person commits the crime of trafficking drugs in the first degree if, except as
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served

74 without probation or parole.

75 8. A person commits the crime of trafficking drugs in the first degree if, except as
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
78 compound, mixture or preparation which contains any quantity of the following substances
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
86 grams or more and the location of the offense was within two thousand feet of a school or public
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
88 structure or building which contains rooms furnished for the accommodation or lodging of
89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
92 shall be served without probation or parole.

93 **9. A person commits the crime of trafficking drugs in the first degree if, except as**
94 **authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,**
95 **produces or attempts to distribute, deliver, manufacture or produce more than thirty**
96 **grams of any material, compound, mixture or preparation which contains any quantity of**
97 **3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate**
98 **this subsection shall be punished as follows:**

99 **(1) If the quantity involved is more than thirty grams but less than ninety grams**
100 **the person shall be sentenced to the authorized term of imprisonment for a class A felony;**

101 **(2) If the quantity involved is ninety grams or more, or if the quantity involved was**
102 **thirty grams or more and the location of the offense was within two thousand feet of a**
103 **school or public housing as defined in section 195.214 or section 195.218 or within a motor**
104 **vehicle, or any structure or building which contains rooms furnished for the**
105 **accommodation or lodging of guests, and kept, used, maintained, advertised, or held out**
106 **to the public as a place where sleeping accommodations are sought for pay or**
107 **compensation to transient guests or permanent guests, the person shall be sentenced to the**
108 **authorized term of imprisonment for a class A felony which term shall be served without**
109 **probation or parole.**

195.223. 1. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than two grams but less than six grams the person shall be guilty of a class B felony;

(2) If the quantity involved is six grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be
45 punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations
53 of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class
57 A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62 (1) If the quantity involved is more than thirty kilograms but less than one hundred
63 kilograms the person shall be guilty of a class B felony;

64 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty
65 of a class A felony.

66 8. A person commits the class A felony of trafficking drugs in the second degree if,
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana
69 plants.

70 9. A person commits the crime of trafficking drugs in the second degree if, except as
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,

73 mixture or preparation which contains any quantity of the following substances having a
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;
76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to
77 violate this subsection shall be punished as follows:

78 (1) If the quantity involved is more than thirty grams but less than ninety grams the
79 person shall be guilty of a class B felony;

80 (2) If the quantity involved is ninety grams or more but less than four hundred fifty
81 grams, the person shall be guilty of a class A felony;

82 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84 **10. A person commits the crime of trafficking drugs in the second degree if, except**
85 **as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her**
86 **control, purchases or attempts to purchase, or brings into this state more than thirty grams**
87 **of any material, compound, mixture or preparation which contains any quantity of 3,4-**
88 **methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this**
89 **subsection shall be punished as follows:**

90 (1) **If the quantity involved is more than thirty grams but less than ninety grams**
91 **the person shall be guilty of a class B felony;**

92 (2) **If the quantity involved is ninety grams or more but less than four hundred fifty**
93 **grams, the person shall be guilty of a class A felony;**

94 (3) **If the quantity involved is four hundred fifty grams or more, the person shall**
95 **be guilty of a class A felony and the term of imprisonment shall be served without**
96 **probation or parole.**

195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or
2 manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where
3 one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest,
4 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
5 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
6 substance or an imitation controlled substance in violation of sections 195.005 to 195.425.

7 **2. Possession of more than twenty-four grams of any methamphetamine precursor**
8 **drug or combination of methamphetamine precursor drugs shall be prima facie evidence**
9 **of intent to violate this section. This subsection shall not apply to any practitioner or to**
10 **any product possessed in the course of a legitimate business.**

11 **3. A person who violates this section is guilty of a class D felony.**

195.246. 1. It is unlawful for any person to possess [ephedrine, its salts, optical isomers

2 and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical
3 isomers] **any methamphetamine precursor drug** with the intent to manufacture **amphetamine**,
4 methamphetamine or any of [its] **their** analogs.

5 **2. Possession of more than twenty-four grams of any methamphetamine precursor**
6 **drug or combination of methamphetamine precursor drugs shall be prima facie evidence**
7 **of intent to violate this section. This subsection shall not apply to any practitioner or to**
8 **any product possessed in the course of a legitimate business.**

9 **3.** A person who violates this section is guilty of a class D felony.

10 195.400. 1. As used in sections 195.400 to 195.425 the term "person" means any
2 individual, corporation, government or governmental subdivision or agency, business trust,
3 estate, trust, partnership or association, or any other legal entity.

4 2. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or
5 otherwise furnishes any of the following substances to any person shall submit to the department
6 of health a report, as prescribed by the department of health, of all such transactions:

7 (1) Anthranilic acid, its esters and its salts;

8 (2) Benzyl cyanide;

9 (3) Ergotamine and its salts;

10 (4) Ergonovine and its salts;

11 (5) N-Acetylanthranilic acid, its esters and its salts;

12 (6) Phenylacetic acid, its esters and its salts;

13 (7) Piperidine and its salts;

14 (8) 3,4,-Methylenedioxyphenyl-2-propanone;

15 (9) Acetic anhydride;

16 (10) Acetone;

17 (11) Benzyl Chloride;

18 (12) Ethyl ether;

19 (13) Hydriodic acid;

20 (14) Potassium permanganate;

21 (15) 2-Butanone (or Methyl Ethyl Ketone or MEK);

22 (16) Toluene;

23 (17) Ephedrine, its salts, optical isomers, and salts of optical isomers;

24 (18) Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;

25 (19) Phenylpropanolamine, its salts, optical isomers, and salts of optical isomers;

26 (20) Pseudoephedrine, its salts, optical isomers, and salts of optical isomers;

27 (21) Methylamine and its salts;

28 (22) Ethylamine and its salts;

- 29 (23) Propionic anhydride;
- 30 (24) Isosafrole;
- 31 (25) Safrole;
- 32 (26) Piperonal;
- 33 (27) N-Methylephedrine, its salts, optical isomers and salts of optical isomers;
- 34 (28) N-Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers;
- 35 (29) Benzaldehyde;
- 36 (30) Nitroethane;
- 37 (31) Methyl Isobutyl Ketone (MIBK);
- 38 (32) Sulfuric acid;
- 39 (33) Iodine;
- 40 (34) Red phosphorous;
- 41 **(35) Gamma butyrolactone;**
- 42 **(36) 1,4 Butanediol.**

43 3. The chemicals listed or to be listed in the schedule in subsection 2 of this section are
44 included by whatever official, common, usual, chemical, or trade name designated.

45 4. The department of health by rule or regulation may add substances to or delete
46 substances from subsection 2 of this section in the manner prescribed [under] **pursuant to**
47 section 195.017, if such substance is a component of or may be used to produce a controlled
48 substance.

49 5. Any manufacturer, wholesaler, retailer or other person shall, prior to selling,
50 transferring, or otherwise furnishing any substance listed in subsection 2 of this section to a
51 person within this state, require such person to give proper identification. For the purposes of
52 this section "proper identification" means:

53 (1) A motor vehicle operator's license or other official state-issued identification which
54 [contains a photograph of the person and] includes the residential or mailing address of the
55 person, other than a post office box number; **or**

56 (2) [The motor vehicle license number of any motor vehicle operated by the person;

57 (3)] A letter of authorization from the business to which any of the substances listed in
58 subsection 2 of this section are being transferred, which shall include the address of the business
59 and business license number if the business is required to have a license number; **and**

60 [(4)] **(3)** A full description of how the substance is to be used; and

61 [(5)] **(4)** The signature of the person to whom such substances are transferred.

62

63 The person selling, transferring, or otherwise furnishing any substance listed in subsection 2 of
64 this section shall affix his signature, to the document which evidences that a sale or transfer has

65 been made, as a witness to the signature and proper identification of the person purchasing such
66 substance.

67 6. Any manufacturer, wholesaler, retailer, or other person who sells, transfers, or
68 otherwise furnishes any substance listed in subsection 2 of this section to a person shall[, not less
69 than twenty-one days prior to the delivery of the substance, submit a report of the transaction as
70 prescribed by the department of health, which shall include the proper identification information.
71 The department of health may allow the submission of such reports on a monthly basis with
72 respect to repeated, regular transactions between a person who furnishes such substances and the
73 person to whom such substances are delivered, if the department determines that either:

74 (1) A pattern of regular supply of the substance exists between the manufacturer,
75 wholesaler, retailer, or other person who sells, transfers, or otherwise furnishes such substance
76 and the person to whom such substance is delivered; or

77 (2) The person to whom such substance is delivered has established a record of
78 utilization of the substance for lawful purposes.

79 **7.] keep records and inventories of all such chemicals in conformance with the**
80 **record-keeping and inventory requirements of federal law, and in accordance with any**
81 **additional regulations of the department of health.**

82 **7. The department of health is authorized to inspect the establishment of a**
83 **registrant or applicant in accordance with the provisions of sections 195.005 to 195.425.**

84 **8.** This section shall not apply to any of the following:

85 (1) Any pharmacist, pharmacy, or other authorized person who sells or furnishes a
86 substance listed in subsection 2 of this section upon the prescription or order of a physician,
87 dentist, podiatrist or veterinarian;

88 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers,
89 dispenses or furnishes a substance listed in subsection 2 of this section to his **or her** patients
90 within the scope of his **or her** professional practice. Such administration or dispensing shall be
91 recorded in the patient record;

92 (3) Any sale, transfer, furnishing or receipt of any drug which contains any substance
93 listed in subsection 2 of this section and which is lawfully sold, transferred, or furnished over the
94 counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act or
95 regulations adopted thereunder.

96 **[8.] 9. (1)** Any violation of subsection 5 of this section shall be a class D felony.

97 (2) Any person subject to subsection 6 of this section who does not [submit a report]
98 **keep records or inventory** as required or who knowingly [submits a report with] **documents**
99 false or fictitious information shall be guilty of a class D felony and subject to a fine not
100 exceeding ten thousand dollars.

101 (3) Any person who is found guilty a second time of not [submitting a report] **keeping**
102 **records or inventory** as required in subsection 6 of this section or who knowingly [submits such
103 a report with] **documents** false or fictitious information shall be guilty of a class C felony and
104 subject to a fine not exceeding one hundred thousand dollars.

**195.417. 1. No person shall deliver in any single over-the-counter sale more than
2 three packages of any methamphetamine precursor drug or any combination of
3 methamphetamine precursor drugs.**

**4 2. This section shall not apply to any product labeled pursuant to federal regulation
5 for use only in children under twelve years of age, or to any products that the state
6 department of health, upon application of a manufacturer, exempts by rule from this
7 section because the product has been formulated in such a way as to effectively prevent the
8 conversion of the active ingredient into methamphetamine, or its salts or precursors.**

**9 3. Any person who is considered the general owner or operator of the outlet where
10 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who
11 violates subsection 1 of this section shall not be penalized pursuant to this section if such
12 person documents that an employee training program was in place to provide the employee
13 with information on the state and federal regulations regarding ephedrine,
14 pseudoephedrine, or phenylpropanolamine.**

**15 4. Any person who knowingly or recklessly violates this section is guilty of a class
16 A misdemeanor.**

**195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited
2 to:**

**3 (1) Sales in packages containing not more than a total of three grams of one or
4 more methamphetamine precursor drugs, calculated in terms of ephedrine base,
5 pseudoephedrine base and phenylpropanolamine base; and**

**6 (2) For nonliquid products, sales in blister packs, each blister pack containing not
7 more than two dosage units, or where the use of blister packs is technically infeasible, sales
8 in unit dose packets or pouches.**

**9 2. Any person holding a retail sales license pursuant to chapter 144, RSMo, who
10 knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.**

**441.236. In the event that any premises to be rented, leased, sold, transferred or
2 conveyed is or was used as a site for methamphetamine production, the owner, seller,
3 landlord or other transferor shall disclose in writing to the prospective lessee, purchaser
4 or transferee the fact that methamphetamine was produced on the premises, provided that
5 the owner, seller, landlord or other transferor has knowledge of such prior
6 methamphetamine production. The owner shall disclose any prior knowledge of**

7 methamphetamine production, regardless of whether the persons involved in the
8 production were convicted for such production.

478.009. 1. In order to coordinate the allocation of resources available to drug
2 courts throughout the state, there is hereby established a "Drug Courts Coordinating
3 Commission" in the judicial department. The drug courts coordinating commission shall
4 consist of one member selected by the director of the department of corrections; one
5 member selected by the director of the department of social services; one member selected
6 by the director of the department of mental health; one member selected by the director
7 of the department of public safety; one member selected by the state courts administrator;
8 and three members selected by the supreme court. The supreme court shall designate the
9 chair of the commission. The commission shall periodically meet at the call of the chair;
10 evaluate resources available for assessment and treatment of persons assigned to drug
11 courts or for operation of drug courts; secure grants, funds and other property and
12 services necessary or desirable to facilitate drug court operation; and allocate such
13 resources among the various drug courts operating within the state.

14 2. There is hereby established in the state treasury a "Drug Court Resources
15 Fund", which shall be administered by the drug courts coordinating commission. Funds
16 available for allocation or distribution by the drug courts coordinating commission may
17 be deposited into the drug court resources fund. Notwithstanding the provisions of section
18 33.080, RSMo, to the contrary, moneys in the drug court resources fund shall not be
19 transferred or placed to the credit of the general revenue fund of the state at the end of
20 each biennium, but shall remain deposited to the credit of the drug court resources fund.

537.297. 1. The following words as used in this section shall have the following
2 meanings:

3 (1) "Owner", all of the following persons:

4 (a) Any person who lawfully owns anhydrous ammonia;

5 (b) Any person who lawfully owns a container, equipment or storage facility
6 containing anhydrous ammonia;

7 (c) Any person responsible for the installation or operation of such containers,
8 equipment or storage facilities;

9 (d) Any person lawfully selling anhydrous ammonia;

10 (e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;

11 (f) Any person who operates or uses anhydrous ammonia containers, equipment
12 or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;

13 (2) "Tamperer", a person who commits or assists in the commission of tampering;

14 (3) "Tampering", transferring or attempting to transfer anhydrous ammonia from

15 its present container, equipment or storage facility to another container, equipment or
16 storage facility, without prior authorization from the owners.

17 **2. A tamperer assumes the risk of any personal injury, death and other economic**
18 **and noneconomic loss arising from his or her participation in the act of tampering. A**
19 **tamperer or any person related to a tamperer shall not commence a direct or derivative**
20 **action against any owner. Owners are immune from suit by a tamperer or any person**
21 **related to a tamperer and shall not be held liable for any negligent act or omission which**
22 **may cause personal injury, death or other economic or noneconomic loss to a tamperer.**

23 **3. The immunity from liability and suit authorized by this section is expressly**
24 **waived for owners whose acts or omissions constitute willful or wanton negligence.**

570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution under this section
5 on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse.

14 3. Stealing is a class C felony if:

15 (1) The value of the property or services appropriated is seven hundred fifty dollars or
16 more; or

17 (2) The actor physically takes the property appropriated from the person of the victim;
18 or

19 (3) The property appropriated consists of:

20 (a) Any motor vehicle, watercraft or aircraft; or

21 (b) Any will or unrecorded deed affecting real property; or

22 (c) Any credit card or letter of credit; or

23 (d) Any firearms; or

24 (e) A United States national flag designed, intended and used for display on buildings
25 or stationary flagstaffs in the open; or

26 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the

27 legislature of the state of Missouri; or

28 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
29 any other state or of the United States; or

30 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

31 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

32 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

33 (k) Any controlled substance as defined by section 195.010, RSMo.

34 4. If an actor appropriates any material with a value less than one hundred fifty dollars
35 in violation of this section with the intent to use such material to manufacture, compound,
36 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
37 then such violation is a class D felony. The theft of any amount of anhydrous ammonia **or liquid**
38 **nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen,** is
39 a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of**
40 **a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field**
41 **applicator is a class A felony.**

42 5. The theft of any item of property or services under subsection 3 of this section which
43 exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in
44 separate counts.

45 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
46 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
47 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
48 is guilty of a class B felony.

49 7. Any violation of this section for which no other penalty is specified in this section is
50 a class A misdemeanor.

578.154. 1. A person commits the crime of possession of anhydrous ammonia in a
2 **nonapproved container if he or she possesses any quantity of anhydrous ammonia in any**
3 **container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field**
4 **(nurse) tank or field applicator or any container approved for anhydrous ammonia by the**
5 **department of agriculture or the United States Department of Transportation.**

6 **2. A violation of this section is a class D felony.**